

CUSTOMS PRIVILEGES FOR FOREIGN SERVICE PERSONNEL

*Exchange of notes at Brussels February 26 and May 28, 1948, with
Belgian ministerial decree and instructions
Entered into force May 28, 1948*

Department of State files

The American Chargé d'Affaires to the Minister of Foreign Affairs

No. 1390

AMERICAN EMBASSY

EXCELLENCY:

I have the honor to refer to Your Excellency's kind Note no. 95/107 of December 30, 1947, of the Secretariat General, Section du Personnel, with which you informed me that the Belgian authorities are agreeable on the condition of reciprocity that as soon as the Customs Union between the Netherlands and the Belgo-Luxembourg Economic Union becomes operative, that is to say January 1, 1948, exemption from all duties and import taxes will be granted not only to the chiefs of diplomatic missions of the United States accredited to Belgium but also to diplomatic personnel (Counselors, Secretaries and Attaches) and career consuls, as well as to employees of Embassy and Consulates on the condition that they are of American nationality and that they do not have a private lucrative profession in Belgium.

The Ministry's kind Note under reference was forwarded to the Department of State at Washington which has replied with a telegram dated February 17, 1948, that upon the request of the Belgian Embassy at Washington the Department of State will request for consular officers, diplomatic and consular personnel at the Belgian Embassy and Consulates, and members of their families living with them the privilege of free importation on the basis of reciprocity. Exemption from the payment of internal revenue tax on importations of liquors and tobacco will also be requested for Belgian consular officers and consular personnel. This matter has already been discussed with the Treasury Department and the latter has approved such a procedure. Accordingly, the Department of State requests that agreement on this point become effective forthwith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

HUGH MILLARD
Charge d'Affaires, a.i.

BRUSSELS, *February 26, 1948*

His Excellency
PAUL-HENRI SPAAK
Minister for Foreign Affairs
Brussels

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS
AND FOREIGN COMMERCE

No. 95/107

BRUSSELS, *28th May 1948*

MR. AMBASSADOR:

In his letter of 26th February 1948, No. 1390, Mr. Hugh Millard, Chargé d'Affaires, informed me that the "Treasury Department" in Washington had agreed to grant on a reciprocal basis, free entry of merchandise imported for the personal use of Belgian career diplomats and consular agents, and career chancellery personnel employed in the Belgian Embassy and Consulates General in the United States of America. Exemption from the internal revenue tax on liquor and tobacco imports would also be granted, on a reciprocal basis, to Belgian career consuls and career chancellery agents employed in Belgian Consulates General located in American territory.

Accordingly, the Belgian Ministry of Finance will henceforth apply to the head of the American diplomatic mission accredited to Belgium, to diplomatic agents (counselors, secretaries and attachés) to career consuls and to career chancellery agents employed in the Embassy and in the American Consulate General in Belgium, the provisions established by the Benelux Customs Union, in effect since January 1, 1948, concerning free entry of merchandise for their personal use.

There is enclosed herewith, for your Excellency's use, a copy of the ministerial decree of December 19, 1947, which governs the application of free customs entry, as well as a copy of the instructions concerning this application.

The term "merchandise" includes all products and commodities, without exception, whether imported directly from a foreign country, coming from a warehouse which is under customs supervision, or which are in transit through the Belgo-Luxembourg Economic Union.

The term "chancellery agents" includes officials employed in career chancelleries of career legations and consulates (including consuls, vice-

consuls, and attachés who are not covered by the expression “career consul”), providing that those foreigners are not engaged in any other lucrative occupation in the country, but who are not necessarily a citizen of the country they represent.

It should be noted that, except for heads of diplomatic missions, free entry is only granted on a strict basis of reciprocity.

On the other hand, it is understood that this free entry does not prejudice the rights which interested persons possess, under article 22 of the above-mentioned ministerial decree of December 19, 1947, to import, duty free, for transfer purposes, those personal effects and vehicles which they were using in a foreign country prior to the transfer of their residence to Belgium. In this case, the reciprocity clause is not involved.

Finally, free entry from excise taxes and consumer taxes to which imported goods are eventually subject, will be granted under the same conditions which govern exemption from customs duties.

However, under present Belgian legislation, products of Belgian origin are not exempt from such charges.

I avail myself of this opportunity, Mr. Ambassador, to renew to your Excellency the assurance of my very high consideration.

For the Minister of Foreign Affairs
The Secretary General
BARON DE GRUBEN

His Excellency
Admiral ALAN GOODRICH KIRK
*Ambassador of the United States
of America at
Brussels*

MINISTERIAL DECREE OF 19TH DECEMBER, 1947 GOVERNING THE APPLICATION
OF FREE ENTRY IN CUSTOMS MATTERS

(Copy of the *Moniteur Belge* of 25th December, 1947)

[TRANSLATION]

Art. 15. Para. 1. On a reciprocal basis, completely free entry is granted to merchandise intended for the personal use of career diplomatic agents and career consuls serving in territory of the Belgo-Luxembourg Economic Union, as well as chancellery agents attached to legations and consulates established in such territory, providing that such persons are foreigners and that they have no occupation in the territory of the Belgo-Luxembourg Economic Union.

“Personal use” also includes use by members of the household.

Para. 2. Free entry is granted upon presentation of a certificate in which

the person having the right to free-entry indicates his status, and certifies that the merchandise is intended for his personal use. This certificate must itemize the merchandise, declaring the nature, the number of pieces, and the markings of the packages.

When the merchandise is intended for a chancellery agent attached to a legation or to a consulate, the above-mentioned certificate must be certified by the head of the mission or the head of the consulate.

Para. 3. In cases where merchandise imported duty-free is turned over to a third person, duty must be paid.

When merchandise is imported, free entry may be established by presentation of a document which becomes invalid when the merchandise is no longer in use by the person having the right to free-entry.

Art. 16. Para. 1. On a reciprocal basis, complete free entry is granted to chancellery supplies sent by foreign governments, or in their name, to their consulates established in territory of the Belgo-Luxembourg Economic Union.

Para. 2. Free-entry is granted upon presentation of a certificate in which the consul concerned asserts that the merchandise is imported for consulate use, providing that it has been established that the merchandise was sent directly to the consul interested by his government, or by its representative in another country.

APPLICATION OF ARTICLE 15 OF THE MINISTERIAL DECREE
OF 19TH DECEMBER, 1947

(*Moniteur Belge* of 25th December, 1947)

[TRANSLATION]

Packages not listed on passports or on way-bills are sent with a laissez-passer-with-guarantee (passavant-à-caution) to the customs warehouse in Brussels, or with a transit receipt to the out-going office designated by the interested person. However, the head of the incoming office may, in this case, permit the entry of luggage duly sealed, when it is apparent by its nature, that it contains nothing but diplomatic documents.

In any event, official seals must be respected by customs officials.

Luggage accompanying diplomatic agents of the rank of counselor, secretary, attache, commercial attache, military attache, naval attache, or air attache, and who belong to an embassy or a legation accredited to Belgium are, except where abuse is suspected, free from inspection—providing that such officials establish their status by means of a regular passport.

The same exemption is applicable to luggage accompanying bearers of a special blue identity card issued by the Ministry of Foreign Affairs to foreign members of certain international organizations established in the country.

Merchandise shipped from a foreign country, which can benefit from the exemption provided in article 15 of the decree, must be sent to a customs of-

fice in Brussels or Antwerp in order to be cleared. However, if the shipments involved are intended for a career consul¹ or for a chancellery agent in a consulate which is established in some other locality having a public warehouse, such shipments may be cleared at that warehouse.

Shipments presented at the border must be reshipped to the above-mentioned clearing-posts. If the shipment takes place by any other means than escorted rail shipment it is validated by a laissez-passer-with-guarantee (*passavant-à-caution*) No. 132 under ordinary conditions. However, if from documents or papers presented it appears that the addressee belongs to a category of exempted persons, the collector stamps on the laissez-passer-with-guarantee (*passavant-à-caution*) "Diplomatic immunity—exempt from inspection." ("*Immunités diplomatiques-Dispense de vérification*".) When this statement is noted, the luggage is sealed without being inspected. The importer is requested to resubmit the shipment to the office of destination designated in the document, so that the formalities of free-entry may be carried out.

Merchandise intended for heads of mission, for diplomatic agents (counselors, secretaries, attaches), or for career consuls are accepted for free entry upon presentation of a certificate bearing the seal of the embassy, legation or consulate, which states that the effects are intended for the use of the signatory, or for the needs of his family, (of his household in the case of a head of mission). For shipments intended for chancellery agents, the certificate must be signed by the interested person and certified by the head of mission or by the consul with the following statement: "the above-mentioned merchandise is in keeping with the position of the person involved who in actual fact holds the above-mentioned status." ("*les marchandises ci-dessus sont en rapport avec la situation de l'intéressé qui occupe effectivement la fonction désignée ci-dessus.*")

The certificate is turned over to the head customs officer at the free-entry office. This officer makes certain that the reciprocal requirement has been fulfilled, in which case he authorizes the collector to issue a receipt for free-entry or—in case of a motor vehicle intended for a person other than the head of mission—to validate, without guarantee, a transit receipt 41v bearing the statement "Application of article 15, para. 3, at the end of the ministerial decree of December 19, 1947." ("*Application de l'art. 15, para. 3, in fine de l'arrêté ministériel du 19 décembre 1947.*")

This last document is valid for one year; this period may be extended by the Director upon request of the interested person.

On presentation of this document, the shipment is subjected to an inspection, which usually is brief.

On presentation of transit receipts 41v, delivered under the above-mentioned conditions and which have not expired, the vehicles may freely cross

¹ By consul is understood the head of a consular office, regardless of the rank of the incumbent (consul general, consul, or vice-consul). [Footnote in original.]

the border an indefinite number of times, whether entering or leaving the country.

In case of definite exportation, the interested person will submit the document to the out-going office to acknowledge exportation. Transit receipt 41v, bearing the out-going acknowledgment, is then transmitted to the office of central administration—Customs Office—which notifies the issuing office that the document has been surrendered. In case a vehicle should be sold in the Belgo-Luxembourg Economic Union, the holder of transit receipt 41v will inform the central administration of the name and address of the purchaser and will notify the latter that he must report with the car to the office which issued transit receipt 41v, to pay the duties and taxes.

The list of diplomatic personnel (heads of mission, counselors, secretaries, attaches) and the list of foreign career consuls, as well as all changes which may arise, will be communicated to the directors at Antwerp and Brussels. Controllers will receive the same information covering consuls located in their areas.